

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

IN RE:

**CHAPTER 13 CASE
NO. 05-30386-DHW**

**DOROTHY L. MAULL
XXX-XX-2623**

Debtor(s)

PURSUANT TO LBR 9007-1, THIS MOTION WILL BE TAKEN UNDER ADVISEMENT BY THE COURT AND MAY BE GRANTED UNLESS A PARTY IN INTEREST FILES A RESPONSE WITHIN 20 DAYS OF SERVICE. RESPONSES MUST BE FILED WITH THE CLERK AND SERVED UPON THE MOVING PARTY. RESPONSES MUST BE FILED ELECTRONICALLY WITH THE CLERK OR BY U.S. MAIL ADDRESSED TO THE CLERK OF THE BANKRUPTCY COURT, P.O. BOX 1248, MONTGOMERY, ALABAMA 36102.

TRUSTEE'S MOTION TO MODIFY DEBTOR(S) PLAN

COMES NOW, the Trustee, by and through the undersigned counsel, and pursuant to 11 U.S.C. §1329 and §1325 files this motion to modify the debtor(s) Chapter 13 plan to increase the percentage to unsecured creditors. As grounds, the Trustee states as follows:

1. The debtor(s) plan currently proposes to pay a POT of \$6,000.00 to unsecured creditors.
2. The debtor(s) plan listed a secured debt owed to Beneficial Alabama, Inc. (Court Claim #4/Trustee Claim #2) with the value of collateral listed as \$5,625.00. However, the claim was deemed unsecured and reclassified from secured to unsecured and that equity should be paid for the benefit of unsecured creditors. The creditor has no properly perfected security interest in the collateral. Therefore, the amount of the collateral value should be paid for the benefit of unsecured creditors.

3. The debtor has not claimed any exemption in the property.

WHEREFORE, the Trustee moves this Honorable Court to modify the debtor(s) plan to increase the dividend to be paid to unsecured creditors from a POT of \$6,000.00 to a POT of \$11,625.00.

Respectfully submitted this 14th day of September 2005.

Curtis C. Reding
Standing Chapter 13 Trustee

By: /s/ Sabrina L. McKinney
Sabrina L. McKinney
Staff Attorney
ASB-3162-I71S

Office of the
Chapter 13 Trustee
166 Commerce St., Ste. 202
P. O. Box 173
Montgomery, AL 36101-0173
Phone: 334-262-8371
Fax: 334-262-8599
Email: mckinneys@ch13mdal.com

CERTIFICATE OF SERVICE

I, Sabrina L. McKinney, certify that a copy of the foregoing TRUSTEE'S MOTION TO MODIFY DEBTOR(S) PLAN has been served on the parties listed below by placing same in the United States Mail, postage prepaid and properly addressed, or via email, this 14th day of September 2005.

/s/ Sabrina L. McKinney
Sabrina L. McKinney

Dorothy L. Maull
5649 Co Rd 17
Hayneville AL 36040

Richard D. Shinbaum, Esq.
P O Box 201
Montgomery AL 36101

All creditors